

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

|                                    |   |                                   |
|------------------------------------|---|-----------------------------------|
| STEVEN G. MILLETT, MELODY J.       | ) |                                   |
| MILLETT, on behalf of themselves   | ) |                                   |
| and all others similarly situated, | ) |                                   |
|                                    | ) |                                   |
| Plaintiffs,                        | ) |                                   |
| v.                                 | ) | Cause of Action No. 05-CV-599-SLR |
|                                    | ) |                                   |
| TRUELINK, INC.,                    | ) |                                   |
|                                    | ) |                                   |
| Defendant.                         | ) |                                   |

**MOTION FOR ADDITIONAL TIME TO COMPLY WITH LOCAL RULE 83.5**

The undersigned, counsel for Plaintiffs prior to transfer, respectfully moves this court, on behalf of plaintiffs, for an extension of time to comply with Local Rule 83.5 of Civil Practice for the United States District Court for the District of Delaware and for permission to file this motion. In support of this motion, counsel for Plaintiffs states as follows:

The undersigned is a member in good standing of the Bar of the State of Kansas and a member in good standing of the Bar of the State of Missouri and is admitted to practice before the United States District Court for the District of Kansas and the United States District Court for the Western District of Missouri.

The undersigned was counsel of record prior to transfer. The Order for Transfer acknowledged an agreement between the parties that counsel for Plaintiffs was granted 90 days in order to obtain local counsel. (Exhibit A - Order on Defendant's Motion to Transfer, D. Kan., The Honorable Judge Carlos Murguia, D. Kan. Case No. 2:04-cv-02448-CM-GLR, Document 35, August 9, 2005)

After transfer, defense counsel, Amanda Lewis, notified the undersigned that new counsel would be substituted for Defendant and that new counsel would be Paula D. Friedman, DLA Piper Rudnick Gray Cary US LLP, 203 N. LaSalle St., Ste. 1900, Chicago, Illinois 60601. The undersigned telephoned Ms. Friedman to determine whether new counsel would oppose this motion for additional time to comply with Local Rule 83.5. Ms. Friedman indicates that Defendant has no objection to this motion. Counsel was unable to confer until September 15, 2005.

Counsel for Plaintiffs is aware that the order to transfer and the parties' agreement are in conflict with Local Rule 83.5. Counsel for Plaintiffs have been actively seeking local counsel and counsel has had communications with David Cline, Michael Hanrahan, and Joseph Walsh. At this time, no agreement has been reached as to local counsel representation. Given the complicated nature of the class action and the interrelation of this class action with other related cases which are pending as to other defendants, additional time is required to secure participation by local counsel and to verify that no conflicts of interest exist with other members of the firms of those attorneys contacted.

This motion is not being filed for purposes of harassment or delay.

Although the undersigned has not yet been admitted to practice *pro hac vice* in this action, the clerk of the court indicated to cocounsel for Plaintiffs that it could accept a motion by the lead counsel for Plaintiffs as to this issue.

WHEREFORE, the undersigned respectfully requests, on behalf of Plaintiffs, an order allowing Plaintiffs an additional 30 days in order to comply with Local Rule 83.5.

RESPECTFULLY SUBMITTED,

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ATTORNEYS FOR PLAINTIFFS

**AFFIDAVIT/CERTIFICATE OF SERVICE**

State of Kansas       )  
County of Johnson    )

The undersigned does hereby certify that a copy of the foregoing, which was conveyed to clerk of the court by overnight delivery for electronic filing by shipment of paper copy and disk, was also deposited in the United States Mail, postage prepaid, and served electronically on September 15, 2005, to the following:

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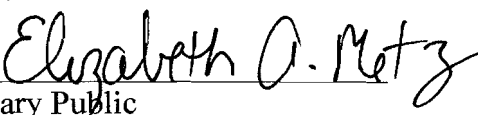
COUNSEL FOR DEFENDANT

Dated:

September 15, 2005

  
B. Joyce Yeager

Subscribed and sworn to before me, a notary public, by the person known to me to be B. Joyce Yeager, this 15<sup>th</sup> day of September, 2005.

  
Notary Public

My Commission Expires: 9/5/06

